

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

KIRK D. JENKINS

Plaintiff,

v.

Civil Action No. 2:07CV-263-J

**NATIONAL BOARD OF MEDICAL
EXAMINERS,**

Defendant.

PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER

To the Honorable United States District Court Judge, Mary Lou Robinson:

Kirk Jenkins files his Motion for Temporary Restraining Order and respectfully states the following:

1. Jenkins incorporates by reference his Original Complaint for Emergency Injunctive Relief and Demand for Jury Trial ("Complaint").
2. As set forth in the Complaint, Jenkins will suffer immediate and irreparable injury loss or damage before the opposing party or the opposing party's attorney can be heard in opposition.
3. The undersigned certifies to the Court that the defendant has been furnished by Federal Express a copy of the Complaint, and by facsimile transmission a copy of the motion for preliminary injunction, a copy of the brief in support of preliminary injunction, a copy of the proposed preliminary injunction order, and a copy of this motion.
4. Jenkins incorporates by reference his brief in support of preliminary injunction.
5. Jenkins respectfully requests the Court to enter the Temporary Restraining Order attached hereto.

Respectfully submitted,
Vincent E. Nowak, SBOT# 15121550
MULLIN HOARD & BROWN, LLP
500 S. Taylor, Suite 800
P. O. Box 31656
Amarillo, Texas 79120-1656
806.372.5050
806.371.6230 (Fax)

/s/ Vincent E. Nowak

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing pleading was served on Defendant on this 11th day of December, 2007 by facsimile transmission as follows:

Via Facsimile 215.590.9422

Catherine Farmer
Manager, Disability Services
National Board of Medical Examiners
3570 Market Street
Philadelphia, PA 19104-3190
Amarillo, Texas 79101

/s/ Vincent E. Nowak

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NATIONAL BOARD OF MEDICAL
EXAMINERS,

Defendant.

TEMPORARY RESTRAINING ORDER

Defendant National Board of Medical Examiners is ordered to allow Plaintiff Kirk D. Jenkins, standard time plus one half standard time the normal amount of time to take and complete the U.S. Medical Licensing Examination, Step I, on or about December 18, 2007. Since the examination cannot be completed in one day, Plaintiff is to be allowed to complete the examination over two days.

This temporary restraining order is now binding upon the Defendant National Board of Medical Examiners, its officers, agents, servants, employees, and attorneys, and upon those persons administering the Step I examination who are under contract with the Board or in active concert or participation with them who receive actual notice of this Order by personal service or otherwise.

The clerk is to issue notice to defendant, National Board of Medical Examiners that the hearing on Plaintiff's request for preliminary injunction is set for _____, 2007 at _____ .m.

Plaintiff is to post bond in the amount of \$_____.

This order will expire on _____, 200__.

IT IS SO ORDERED.

Signed this _____ day of December 2007.

MARY LOU ROBINSON